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42717 7590 06/23/2010 HAYNES AND BOONE, LLP IP Section 2323 Victory Avenue Suite 700 Dallas, TX 75219			EXAMINER LONG, FONYA M	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

This communication is a Final Office Action rejection on the merits in response to communications received on March 31, 2010. Claims 1, 20-27, 29, and 30 have been amended. Claims 6, 11, 12, 14-18, 28, 31, and 32 have been cancelled. Claims 1-5, 7-10, 13, 19-27, 29, and 30 are currently pending and have been addressed below.

Response to Amendment

1. Applicant's amendments to the claims are sufficient to overcome the 112 1st and 101 rejections set forth in the previous office action.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-5, 7-10, 13, 19-27, 29, and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites providing a list of a plurality of customer who are impacted by the revision of the technology process according to a quantitative criteria... Examiner asserts it is unclear what is being claimed. Examiner asserts the written description fails to provide what the quantitative criteria is. How is the quantitative criteria being applied? How does the quantitative criteria determine a customer impacted? Examiner assert

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that Claim 1 is indefinite for failing to provide the needed information to perform the step of providing a list of customer according to a quantitative criteria.

Claims 2-5, 7-10, 13, and 19 are dependent from Claim 1 and therefore contain the same deficiencies.

Claim 20 recites the limitation "the processor" in Lines 16-17. There is insufficient antecedent basis for this limitation in the claim.

Claims 21-27, 29, and 30 are dependent from Claim 20 and therefore contain the same deficiencies.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 7, 8, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. (6,212,518) in view of Mir (6,938,081) and in further view of Shapiro et al. (7,434,048).

As per Claim 1, Yoshida et al. discloses a system comprising:

an input/output device coupled to a user interface configured to accept a predefined search scope and a predefined search scheme (Col. 6, Lines 24-28, via user interface that accepts a search request from a searcher for information and displays a search result to the information searcher);

a memory unit including a plurality of process documents and a plurality of technology files (Col. 22, Lines 17-30, discloses a memory);

a processor (Col. 22, Lines 17-30, via an information processor (a computer)), wherein the processor includes:

an extraction module, responsive to the user interface, configured to search the plurality of process documents and the plurality of technology files, wherein the extraction module determines at least one document within the predefined search scope and the predefined search scheme, wherein the at least one document is one of the plurality of process documents or one of the plurality of technology files (Col. 3, Lines 61-63, via the search unit determines a search result based on the search request (i.e. search scope and search scheme) received from the user terminal)); and

a display monitor to provide the impact to the customer to a user as a visual depiction (Col. 6, Lines 24-28, via the user terminal displaying a search result to the information searcher).

However, Yoshida et al. fails to explicitly disclose determining a customer who has accessed the at least one documents; and an estimate module.

Mir discloses a method and system for managing network infrastructure change with the concept of an estimation module configured to analyze the information of the customer and evaluate for an impact to the customer by a revision of the technology process (Col. 2, Lines 16-32, discloses based on rules provided by the change category the affected entities are determined that should be notified of a change, wherein the entities include (Col. 7, Lines 31-50) potentially select customers), wherein the

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estimation module provides a list of a plurality of customers who are impacted by the revision of the technology process according to a quantitative criteria to represent the overall impact by the revision (Col. 5, Lines 1-28, discloses identifying customers who are impacted by the change).

Therefore, from the teaching of Mir, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method of retrieval of data from related databases of Yoshida et al. to include an estimation module as taught by Mir in order to aid in gracefully carrying out a change by providing awareness to those impacted by the change.

Shapiro et al. discloses controlling access to electronic documents with the concept of determining who has accessed a document (Col. 4, Lines 43-65, via creating an audit trail which records when a document was accessed, from where, and by whom).

Therefore, from the teaching of Shapiro et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Yoshida et al. and Mir combination to include determining who has accessed a document as taught by Shapiro et al. in order to aid in monitoring and controlling access to documents and identifying the responsible parties for any modifications that may have been made to the documents.

Examiner Notes: While Yoshida et al. discloses a system having a process which includes an extraction module configured to determine at least one document of

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technology files within a predefined search scope and search scheme, Yoshida et al. does not disclose the files being technology files.

However, the Examiner asserts that the data identifying the files as “technology” is a label for the files and adds little, if anything, to the claimed structure and thus does not serve to distinguish over the prior art. Any differences related merely to the meaning and information conveyed through labels (i.e., type of files) which does not explicitly alter or impact the structure of the system does not patentably distinguish the claimed invention from the prior art in terms of patentability.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to search technology files as well as other documents as disclosed in the Yoshida et al. reference because the type of files being searched does not structurally alter or relate to the structure of the system and merely labeling the file being searched differently from that in the prior art does not patentably distinguish the claimed invention.

As per Claim 2, Yoshida et al. discloses a predefined search scope (Col. 7, Line 26-Col. 8, Line 63, discloses having predefined search categories (i.e. search scope)).

Examiner asserts that the predefined search scope including a period of time, a type of technology, and a physical region is considered non-functional descriptive material. The search scope being a period of time, a type of technology, and physical region does not change the function of performing the search using a predefined search scope. Examiner asserts that Yoshida et al. is fully capable of performing a search

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using a predefined search scope including a period of time, a type of technology, and a physical region.

As per Claim 3, Yoshida et al. discloses a predefined search scheme (Col. 7, Lines 46-67, via having a predefined search sequence (i.e. search scheme)).

Examiner asserts that the predefined search scheme including document title, document number, vendor, maker, and end customer is considered non-functional descriptive material. The search scheme being document title, document number, vendor, maker, and end customer does not change the function of performing the search using a predefined search scheme. Examiner asserts that the Oppedahl et al. and Yoshida et al. combination is fully capable of performing a search using a predefined search scheme including document title, document number, vendor, maker, and end customer.

As per Claim 4, the Yoshida et al., Mir, and Shapiro et al. combination discloses the claimed invention as applied to Claim 3, above. However, the combination fails to explicitly disclose the vendor comprising one of electronic design automation (EDA) vendor, a chip service company, a library, and an intellectual property (IP) vendor.

Examiner asserts that the vendor comprising one of electronic design automation (EDA) vendor, a chip service company, a library, and an intellectual property (IP) vendor is considered non-functional descriptive material. The vendor being one of electronic design automation (EDA) vendor, a chip service company, a library, and an intellectual property (IP) vendor does not change the function of performing a search using a predefined search scheme. Examiner asserts that the Yoshida et al., Mir, and Shapiro

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et al. combination is fully capable of having a vendor be one of electronic design automation (EDA) vendor, a chip service company, a library, and an intellectual property (IP) vendor.

As per Claim 5, the Yoshida et al., Mir, and Shapiro et al. combination discloses the claimed invention as applied to Claim 3, above. However, the combination fails to explicitly disclose the maker comprising one of a photomask maker, a wafer manufacturer, a testing facility, and a packaging facility.

Examiner asserts that the maker comprising one of a photomask maker, a wafer manufacturer, a testing facility, and a packaging facility is considered non-functional descriptive material. The maker being one of a photomask maker, a wafer manufacturer, a testing facility, and a packaging facility does not change the function of performing a search using a predefined search scheme. Examiner asserts that the Yoshida et al., Mir, and Shapiro et al. combination is fully capable of having a maker be one of a photomask maker, a wafer manufacturer, a testing facility, and a packaging facility.

As per Claims 7-8, Yoshida et al. discloses a database comprising documents (Claim 1, discloses a plurality of databases storing information (i.e. documents)). However, Yoshida et al. fails to explicitly disclose documents being at least a process document, and at least a technical file.

While Yoshida et al. discloses a system having a database comprising documents, Yoshida et al. does not disclose the documents being a process document or a technology file.

However, the Examiner asserts that the data identifying the documents as “process or technology” is a label for the files and adds little, if anything, to the claimed structure and thus does not serve to distinguish over the prior art. Any differences related merely to the meaning and information conveyed through labels (i.e., type of files) which does not explicitly alter or impact the structure of the system does not patentably distinguish the claimed invention from the prior art in terms of patentability.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to store documents that are process documents and technology files as well as other documents as disclosed in the Yoshida et al. reference because the type of files being stored does not structurally alter or relate to the structure of the system and merely labeling the file being stored differently from that in the prior art does not patentably distinguish the claimed invention.

As per Claim 13, Yoshida et al. discloses searching relevant documents according to the predefined search scheme (Col. 7, Line 40-Col. 8, Line 12, discloses searching for relevant information (i.e. documents) based on a predefined search sequence (i.e. search scheme)).

As per Claim 19, Yoshida et al. discloses the claimed invention as applied to Claim 1, above. However, the combination fails to explicitly disclose providing a suggestion for communication with relevant customers, vendors, and makers for the revision.

Mir discloses a system and method for managing changes to a process with the concept of providing a suggestion for a communication with relevant customers,

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vendors, and makers for the revision of the technology process (Abstract, discloses providing rules (i.e. suggestions) about how the affected entities should be notified of the change).

Therefore, from the teaching of Mir, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method of retrieval of data from related databases of Yoshida et al. to include providing a suggestion for a communication with relevant customers, vendors, and makers for the revision as taught by Mir in order to aid in gracefully carrying out a change by providing awareness to those impacted by the change.

6. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. (6,212,518) in view of Mir (6,938,081) and in further view of Shapiro et al. (7,434,048) and Kuo (US 2005/0021165).

As per Claim 9, the Yoshida et al., Mir, and Shapiro et al. combination discloses the claimed invention as applied to Claim 1, above. However, the combination fails to explicitly disclose the system comprising a virtual fab.

Kuo discloses an inter-fab mask process management system with the concept of a virtual fab that is a network entity (Abstract; Fig. 1, 2, and 3; [00919], discloses a virtual fab which is a plurality of entities, each entity associated with an internal process to a semiconductor fab or an external process via a network).

Therefore, from the teaching of Kuo, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Yoshida et al.,

Mir, and Shapiro et al. combination to include a virtual fab as taught by Kuo in order to aid in managing documentation for a semiconductor manufacturing environment.

As per Claim 10, the Yoshida et al., Mir, and Shapiro et al. combination discloses the claimed invention as applied to Claim 9, above. However, the combination fails to explicitly disclose the virtual fab being connected to at least one of a customer, a vendor, a manufacturer, and a design group.

Kuo discloses an inter-fab mask process management system with the concept of a virtual fab being connected to at least one of a customer, a vendor, a manufacturer, and a design group (Abstract; Fig. 1, 2, and 3; [0022], discloses the virtual fab being connected to a customer).

Therefore, from the teaching of Kuo, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Yoshida et al., Mir, and Shapiro et al. combination to include a virtual fab as taught by Kuo in order to aid in managing documentation for a semiconductor manufacturing environment.

7. Claims 20-23 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. (6,212,518) in view of Shapiro et al. (7,434,048) and in further view of Kuo (US 2005/0021165).

As per Claim 20, Yoshida et al. discloses a system comprising:
a user interface configured to define a search scope (Col. 6, Lines 24-38, via receiving a search request from a user interface);

a customer impact estimation system, wherein the customer impact estimation system is configured to receive a search scheme and the search scope from the user interface (Col. 6, Lines 24-38, via receiving a search request from a user interface), and

wherein the customer impact estimation system searches according to the search scheme, a database to determine a customer impacted by the revision (Col. 3, Lines 61-63, discloses searching a database in response to the search request received. Examiner asserts that the facts that the search is being conducted to determine a customer impacted by the revision is considered intended use. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987)); and

a display monitor configured to provide a search result determined by the processor, to a user as a visual depiction (Col. 6, Lines 24-28, via the user terminal displaying a search result to the information searcher).

However, Yoshida et al. fails to explicitly disclose determining who has accessed a document of the database; and a virtual fab.

Shapiro et al. discloses controlling access to electronic documents with the concept of determining who has accessed a document (Col. 4, Lines 43-65, via creating an audit trail which records when a document was accessed, from where, and by whom).

Therefore, from the teaching of Shapiro et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method of retrieval of data from related databases of Yoshida et al. to include determining who has accessed a document as taught by Shapiro et al. in order to aid in monitoring and controlling access to documents and identifying the responsible parties for any modifications that may have been made to the documents.

Kuo discloses an inter-fab mask process management system with the concept of a virtual fab (Abstract; Fig. 1, 2, and 3; [00919], discloses a virtual fab which is a plurality of entities, each entity associated with an internal process to a semiconductor fab or an external process via a network).

Therefore, from the teaching of Kuo, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Yoshida et al. and Shapiro et al. combination to include a virtual fab as taught by Kuo in order to aid in managing documentation for a semiconductor manufacturing environment.

Examiner Notes: While Yoshida et al. discloses a system having a database, Yoshida et al. does not disclose the database being a microelectronics fabrication design technical documents database.

However, the Examiner asserts that the data identifying the database as “a microelectronics fabrication design technical documents database” is a label for the database and adds little, if anything, to the claimed structure and thus does not serve to distinguish over the prior art. Any differences related merely to the meaning and information conveyed through labels (i.e., type of files) which does not explicitly alter or

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impact the structure of the system does not patentably distinguish the claimed invention from the prior art in terms of patentability.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to stored documents on a microelectronics fabrication design technical documents database as well as other databases as disclosed in the Yoshida et al. reference because the type of database does not structurally alter or relate to the structure of the system and merely labeling the database differently from that in the prior art does not patentably distinguish the claimed invention.

As per Claim 21, Yoshida et al. discloses a search scope (Col. 7, Line 26-Col. 8, Line 63, discloses having search categories (i.e. search scope)).

Examiner asserts that the search scope including a period of time, a type of technology, and a physical region holds little if any patentable weight in the system claim. The search scope being a period of time, a type of technology, and physical region does not change the function of performing the search using a search scope, nor does it affect the structure claimed. Examiner asserts that Yoshida et al. is fully capable of performing a search using a search scope including a period of time, a type of technology, and a physical region.

As per Claim 22, Yoshida et al. discloses a search scheme (Col. 7, Lines 46-67, via having a predefined search sequence (i.e. search scheme)).

Examiner asserts that the search scheme including document title, document number, vendor, maker, and end customer holds little if any patentable weight in the system claim. The search scheme being document title, document number, vendor,

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maker, and end customer does not change the function of performing the search using a search scheme, nor does it affect the structure claimed. Examiner asserts that Yoshida et al. combination is fully capable of performing a search using a search scheme including document title, document number, vendor, maker, and end customer.

As per Claim 23, the Yoshida et al. and Shapiro et al. combination discloses the claimed invention as applied to Claim 21, above. However, the combination fails to explicitly disclose the type of technology.

Examiner asserts that the type of technology including 0.25 μm and above, 0.25 μm to 0.15 μm , 0.15 μm to 0.09 μm , and below 0.09 μm customer holds little if any patentable weight in the system claim. The type of technology does not change the function of performing a search, nor does it affect the structure claimed. Examiner asserts that the Yoshida et al. and Shapiro et al. combination is fully capable of performing a search with information related to the technology process, wherein the technology includes 0.25 μm and above, 0.25 μm to 0.15 μm , 0.15 μm to 0.09 μm , and below 0.09 μm .

As per Claim 25, the Yoshida et al. and Shapiro et al. combination discloses the claimed invention as applied to Claim 22, above. However, the combination fails to explicitly disclose a type of vendor.

Examiner asserts that the vendor comprising one of electronic design automation (EDA) vendor, a chip service company, a library, and an intellectual property (IP) vendor customer holds little if any patentable weight in the system claim. The vendor being one of electronic design automation (EDA) vendor, a chip service company, a library, and an

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intellectual property (IP) vendor does not change the function of performing a search using a predefined search scheme, nor does it affect the structure claimed. Examiner asserts that the Yoshida et al. and Shapiro et al. combination is fully capable of having a vendor be one of electronic design automation (EDA) vendor, a chip service company, a library, and an intellectual property (IP) vendor.

As per Claim 26, the Yoshida et al. and Shapiro et al. combination discloses the claimed invention as applied to Claim 22, above. However, the combination fails to explicitly disclose a type of maker.

Examiner asserts that the maker comprising one of a photomask maker, a wafer manufacturer, a testing facility, and a packaging facility customer holds little if any patentable weight in the system claim. The maker being one of a photomask maker, a wafer manufacturer, a testing facility, and a packaging facility does not change the function of performing a search using a predefined search scheme, nor does it affect the structure claimed. Examiner asserts that the Yoshida et al. and Shapiro et al. combination is fully capable of having a maker be one of a photomask maker, a wafer manufacturer, a testing facility, and a packaging facility.

As per Claim 27, the Yoshida et al. and Shapiro et al. combination discloses the claimed invention as applied to Claim 20, above. However, the combination fails to explicitly disclose the design technical documents database comprising one of design rule check database, layout versus schematic database, and RC extraction database.

Examiner asserts that the type of database and the type of data being stored on the database is considered non-functional descriptive material. The type of database

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and the type of data being stored on the database does not change the claimed function of performing a search. Examiner asserts that the Yoshida et al. and Shapiro et al. combination is fully capable of utilizing a design database comprising one of design rule check database, layout versus schematic database, and RC extraction database.

Examiner Notes: While Yoshida et al. discloses a system having a databases storing data, Yoshida et al. does not disclose the database being a microelectronics fabrication design technical documents database comprising one of design rule check (DRC) database, layout versus schematic (LVS) database, and RC extraction database.

However, the Examiner asserts that the data identifying the database as “a microelectronics fabrication design technical documents database comprising one of design rule check (DRC) database, layout versus schematic (LVS) database, and RC extraction database” is a label for the database and adds little, if anything, to the claimed structure and thus does not serve to distinguish over the prior art. Any differences related merely to the meaning and information conveyed through labels (i.e., type of files) which does not explicitly alter or impact the structure of the system does not patentably distinguish the claimed invention from the prior art in terms of patentability.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to stored documents on a microelectronics fabrication design technical documents database comprising one of design rule check (DRC) database, layout versus schematic (LVS) database, and RC extraction database as well as other databases as disclosed in the Yoshida et al. reference because the type of

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database does not structurally alter or relate to the structure of the system and merely labeling the database differently from that in the prior art does not patentably distinguish the claimed invention.

As per Claim 29, the Yoshida et al. and Shapiro et al. combination discloses the claimed invention as applied to Claim 20, above. However, the combination fails to explicitly disclose a virtual fab that is a network entity.

Kuo discloses an inter-fab mask process management system with the concept of a virtual fab that is a network entity (Abstract; Fig. 1, 2, and 3; [00919], discloses a virtual fab which is a plurality of entities, each entity associated with an internal process to a semiconductor fab or an external process via a network).

Therefore, from the teaching of Kuo, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Yoshida et al. and Shapiro et al. combination to include a virtual fab as taught by Kuo in order to aid in managing documentation for a semiconductor manufacturing environment.

As per Claim 30, the Yoshida et al. and Shapiro et al. combination discloses the claimed invention as applied to Claim 29, above. However, the combination fails to explicitly disclose a virtual fab being a network entity

Kuo discloses an inter-fab mask process management system with the concept of a virtual fab being a network entity (Abstract; Fig. 1, 2, and 3; [00919], discloses the virtual fab which is a plurality of entities, each entity associated with an internal process to a semiconductor fab or an external process via a network).

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Therefore, from the teaching of Kuo, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Yoshida et al. and Shapiro et al. combination to include a virtual fab as taught by Kuo in order to aid in managing documentation for a semiconductor manufacturing environment.

8. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. (6,212,518) in view of Shapiro et al. (7,434,048) and in further view of Kuo (US 2005/0021165) and Oppedahl et al. (6,789,092).

As per Claim 24, the Yoshida et al., Shapiro et al., and Kuo combination discloses the claimed invention as applied to Claim 21, above. However, the combination fails to explicitly disclose performing a search for a period of time.

Oppedahl et al. discloses a status monitoring system with the concept of performing a search for a period of time (Col. 2, Line 65-Col. 3, Line 3, discloses a search for updates being performed daily, weekly, or monthly).

Examiner asserts it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the search by performed quarterly (i.e. 3 months), bi-yearly (i.e. 6 months), or yearly (i.e. 12 months).

Therefore, from the teaching of Oppedahl et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Yoshida et al., Shapiro et al., and Kuo combination to include performing a search for a period of time as taught by Oppedahl et al. in order to aid in retrieving current up-to-data information.

Response to Arguments

9. Applicant's arguments filed March 31, 2010 have been fully considered but they are not persuasive.

As per Claim 1, Applicant argues that the Yoshida et al. , Mir, and Shapiro et al. combination fails to disclose "wherein the estimation module provides a list of a plurality of customers who are impacted by the revision of the technology process according to a quantitative criteria to represent the overall impact by the revision." Examiner asserts Application's argument is directed to newly claimed limitations which have been addressed in the rejection stated above.

In response to applicant's argument that "Yoshida should not be combined with the method finding a customer impacted by a network infrastructure change and/or the creation of an audit trail described by Shapiro because the known function of each element is changed in the Examiner's proposed rejection" , the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Applicant argues that Yoshida fails to disclose searching a plurality of process documents and the plurality of technology files....wherein the extraction module determines at least one document within the predefined search scope and the predefined search scheme, wherein the at least one document in one of the plurality of

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process documents or technology files. Examiner respectfully disagrees. Examiner first asserts “while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function”. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997). “Apparatus claims cover what a device is, not what a device does.” *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original). Examiner asserts that Yoshida et al. discloses an extraction module...configured to search the plurality of process documents and the plurality of technology files, wherein the extraction module determines at least one document within the predefined search scope and the predefined search scheme (Col. 3, Lines 61-63, discloses a search unit (i.e. extraction module) that searches the databases in response to a search request sent from a user terminal, wherein the search unit (i.e. extraction module) determines a search result (i.e. document) based on the search request (i.e. predefined search scope and search scheme) received from the user terminal).

Applicant argues that the Mir reference provides no indication, or suggestion of evaluating an impact to a customer by a revision of the technology process. Examiner respectfully disagrees. Mir discloses evaluating an impact to a customer by a revision of the technology process (Col. 3, Line 56-Col. 4, Line 21, discloses the type of changes that are included in the scope of the invention wherein the changes include changes to the testing of network components (i.e. a technology process). Col. 2, Lines 16-32, discloses based on rules provided by the change category the affected entities are

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determined that should be notified of a change, wherein the entities include (Col. 7, Lines 31-50) potentially select customers).

Applicant argues that Shapiro fails to disclose using the audit trail of Shapiro by an estimation module. Examiner asserts that Claim 1 states that an extraction module rather than an estimation module determines a customer who has accessed the at least one document. Examiner asserts the module being an extraction module holds little patentable weight in the system claim. Examiner asserts that the module being an extraction module is a label for the module and adds little, if anything, to the claimed structure and thus does not serve to distinguish over the prior art. Any differences related merely to the meaning and information conveyed through labels (i.e., type of files) which does not explicitly alter or impact the structure of the system does not patentably distinguish the claimed invention from the prior art in terms of patentability. Examiner asserts Shapiro discloses a module configured to determine a customer who has accessed the at least one document (Fig. 1 (120); Col. 4, Lines 43-65, via a module creating an audit trail which records when a document was accessed, from where, and by whom).

Applicant argues that the type of documents being searched and stored holds patentable weight. Examiner respectfully disagrees. Examiner asserts that the data identifying the files as "technology" is a label for the files and adds little, if anything, to the claimed structure and thus does not serve to distinguish over the prior art. Any differences related merely to the meaning and information conveyed through labels (i.e., type of files) which does not explicitly alter or impact the structure of the system does

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not patentably distinguish the claimed invention from the prior art in terms of patentability. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to search and store technology files as well as other documents as disclosed in the Yoshida et al. reference because the type of files being searched and stored does not structurally alter or relate to the structure of the system and merely labeling the file being searched differently from that in the prior art does not patentably distinguish the claimed invention.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR*

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International Co. v. Teleflex, Inc., 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, Yoshida et al discloses the concept of retrieving data from databases based on a search request. Mir discloses a method and system for managing infrastructure changes wherein change plans are developed and delivered to the affected entities. Shapiro et al. discloses the concept of controlling access to electronic documents which could include change plans as disclosed in Mir.

As per Claim 20, Applicant argues that the Yoshida and Shapiro combination fails to disclose determining a customer impacted by a revision. Examiner respectfully disagrees. Examiner asserts that Claim 20, recites "searching, according to the search scope and the search scheme, a database ***to determine a customer impacted by the revision***". Examiner asserts that the fact that the search is being conducted to determine a customer impacted by the revision is considered intended use. The function of determining a customer impacted by the revision is not functionally being claimed. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitation. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FONYA LONG whose telephone number is (571)270-5096. The examiner can normally be reached on Mon-Thurs. 7:30am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. L./

Examiner, Art Unit 3689

/Janice A. Mooneyham/

Supervisory Patent Examiner, Art Unit 3689